

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. **12-cv-0120 MCA/SMV**

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF OTERO and
STATE OF NEW MEXICO,**

Defendants.

OTERO COUNTY'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Defendant Board of County Commissioners of the County of Otero respectfully move this Court for Summary Judgment in the above-captioned matter. Summary Judgment is proper because there are no disputed facts and the case may be resolved as a matter of law. In support of this Motion For Summary Judgment, Defendant Otero County submits the following pleadings, which are incorporated by this reference:

- Memorandum in Support of Motion for Summary Judgment; and
- Declaration of Commissioner Ronnie Rardin.

WHEREFORE, for the foregoing reasons, Defendant Otero County respectfully request that this Court grant their motion to intervene as Intervenors.

Respectfully submitted this 27th day of March, 2014.

/s/ A. Blair Dunn, Esq _____,

A. Blair Dunn, Esq., *Of Counsel*

Martin E. Threet, Esq.

Counsel for Otero County Defendants

Martin E. Threet & Associates

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2014, Defendants filed through the United States District Court ECF System the foregoing Notice to be served by CM/ECF electronic filing on all counsel of record.

By: /s/ A. Blair Dunn

A. Blair Dunn, Esq.